

# CALFRESH (CF) PROGRAM

## REQUEST FOR POLICY/REGULATION INTERPRETATION

**INSTRUCTIONS:** Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Be sure to identify the additional discussion with the appropriate number and heading. Retain a copy of the CF 24 for your records.

- Questions from counties, including county Quality Control, must be submitted by the county CalFresh Coordinator and may be submitted directly to the CalFresh Policy analyst assigned responsibility for the county, with a copy directed to the appropriate CalFresh Policy unit manager.
- Questions from Administrative Law Judges may be submitted directly to the CalFresh Policy analyst assigned responsibility to the county where the hearing took place, with a copy of the form directed to the appropriate CalFresh Bureau unit manager.

1. RESPONSE NEEDED DUE TO: <input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Fair Hearing <input type="checkbox"/> Other:	5. DATE OF REQUEST: 7-10-2012	NEED RESPONSE BY: 7-20-2012
2. REQUESTOR NAME:  3. PHONE NO.:  4. REGULATION CITE(S): 63-502(p)	6. COUNTY/ORGANIZATION: San Luis Obispo County DSS  7. SUBJECT: Child Support Deduction  8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references) NOTE: All requests must have a regulation cite(s) and/or a reference(s).	

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):
- Married couple applying for CalFresh. Wife has court ordered child support obligation. She has no income. Husband does have income. Should we use the wife's child support obligation as a deduction from the husband's income?

10. REQUESTOR'S PROPOSED ANSWER:
- Since they are a married couple, the wife's court ordered child support obligation should be allowed as a deduction from the husband's income.

11. STATE POLICY RESPONSE (CFPB USE ONLY):
- State concurs with the proposed responses.
- As stated in ACIN I-96-06, if an obligator has zero income but another household member has income and he/she is paying the child support for the obligator, then yes, it is an allowable income exclusion. MPP Section 63-502.2 indicates that obligated child support payments that a household member pays to or for an individual living outside of the household can be allowed as an income exclusion for the household.
- In addition, ACL 06-31 also states that legally obligated child support payments to a non-household member are now treated as income exclusions rather than deductions per MPP 63-502.2(p). As an exclusion, the amount

### FOR CDSS USE

DATE RECEIVED:	DATE RESPONDED TO COUNTY/ALJ:
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REQUEST FOR POLICY/REGULATION INTERPRETATION (Continued)**

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of legally obligated child support paid is deducted from gross income before applying the gross income test and prior to computing net income.